

FILED
WILKES BARRE
APR 05 2016

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

EASTERN ROOFING
SYSTEMS, INC.,
Plaintiff,

v.

SIMON PROPERTY GROUP,
INC.,
Defendant.

NO.: 3:14-cv-00717

(SAPORITO, M.J.)

Per


MS

ORDER

AND NOW, this 5th day of April, 2016, upon consideration of the motion for partial summary judgment (Doc. 51) filed by the defendant, and in accordance with the accompanying memorandum, IT IS HEREBY ORDERED as follows:

1. The motion is **GRANTED in part and DENIED in part**;
2. The motion is **GRANTED** and the Clerk is directed to enter **JUDGMENT** in favor of the defendant and against the plaintiff with respect to Count II (unjust enrichment) and Count III (quantum meruit) of the complaint; and

3. The motion is **DENIED** with respect to Count I (breach of contract) of the complaint and the defendant's request for an award of attorney fees.


JOSEPH F. SAPORITO, JR.
U.S. Magistrate Judge

Dated: April 5, 2016